

1 **ARTICLE VI**
2 **HISTORIC DISTRICT**

3
4 **SECTION 28 – 601 HISTORIC DISTRICT**

5 A. PURPOSE

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7 It is the purpose of this subsection to establish regulations and procedures necessary to
8 preserve the historic structures and character of Easton. The regulations create two
9 historic zoning districts and regulate individual historic landmarks which have and will
10 be identified by the Historic District Commission. These historic districts shall be
11 considered as "overlay zones" and shall be considered in conjunction with the use
12 provisions of the zoning district in which a building is located. All standards and
13 regulations are designed to achieve the objectives more specifically described below
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- 15 1. The preservation of sites, structures and districts of historical, archeological, or
16 architectural significance together with their appurtenances and environmental
17 settings is a public purpose in this State and in the Town of Easton. The Mayor
18 and Town Council of Easton believe that the public interest and convenience
19 require the preservation and protection of certain places and areas of historic
20 interest, exterior architectural features, examples of the types of architecture,
21 gardens and grounds found in older areas of Easton.
22
23 2. The purpose of this ordinance shall be (1) to enhance the quality of life and to
24 safeguard the historical and cultural heritage of Easton by preserving sites,
25 structures, or districts which reflect elements of cultural, social, economic,
26 political, archeological, or architectural history; (2) to strengthen the local
27 economy; (3) to stabilize and improve property values of such sites, structures,
28 or districts; (4) to foster civic beauty; and (5) to promote the preservation and
29 appreciation of such sites, structures and districts for the education and welfare
30 of the residents of Easton and Talbot County.
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32 3. The Mayor and Town Council of Easton derive authority for this ordinance by
33 virtue of the terms of the State of Maryland Enabling Act for Municipal Historic
34 District Legislation (Sec. 8-101-8.50 of the Land Use Article of the Annotated
35 Code of Maryland).
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37 B. HISTORIC DISTRICT COMMISSION

- 38
39 1. Historic District Commission.

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41 The Town hereby creates a commission to be called the Easton Historic District

Commission.

2. Membership.

The Historic District Commission shall consist of seven members appointed by the Mayor and Town Council. A majority of the members of the Commission shall be residents of the Town of Easton. Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. Nonresident appointees to the Commission must possess professional or academic qualifications as further defined in paragraph 3 of this subsection. At least two (2) members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 C.F.R. Part 61.

3. Commission Membership Qualification Criteria.

The requirement for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one or more of the fields listed in paragraph 2 of this subsection or active membership in a preservation-related organization. The requirement for membership under the category of specific knowledge may be satisfied by formal post-secondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years' experience as a professional or a Bachelor's degree in one or more of the above-listed fields.

4. Terms.

Commission members shall be appointed for terms of three (3) years, except that the terms of the initial appointments shall be staggered so that three (3) members shall serve terms of three (3) years, two (2) members shall serve terms of two (2) years, and two (2) members shall serve terms of one (1) year so that not more than three (3) appointment shall expire in a given year. Commission members may be re-appointed.

5. Commission Officers.

The Commission shall elect, from its membership, a Chairperson and Vice

Chairperson. The Chairperson and Vice Chairperson shall serve for one (1) year terms and shall be eligible for reelection.

6. Vacancy.

Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment of the initial members of the Commission. Any vacancy on the Commission shall be filled by the appointing authority within sixty (60) days. In the case of expiration of term, a member may continue to serve until the member's successor is appointed. Unexcused absence at three (3) consecutive meetings shall constitute resignation by the member and shall create a vacancy.

7. Removal for Cause.

A member may be removed from the Commission for cause, upon written charges, and after a public hearing, by the Mayor with the consent and approval of the Town Council.

8. Compensation.

Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Town Planner.

9. Meetings.

The Commission shall hold such regular meetings and hearings as necessary to discharge its duties.

10. Staff.

Consistent with the Town's policies and procedures, employees may be assigned to the Commission, and such services and facilities shall be made available as the Town deems necessary or appropriate for the proper performance of its duties.

1 C. POWERS AND DUTIES

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3 The Historic District Commission shall have the following powers and duties:

- 4
5 a. To direct studies, reports and surveys to identify historical, archeological, or
6 architecturally significant sites, structures, and districts that exemplify the
7 cultural, social, economic, political, or architectural history of the Town, state,
8 or nation.
9
10 b. Consistent with the Town's charter, ordinances, resolutions, local public law,
11 policies and procedures regarding the acceptance and use of gifts by public
12 officials, to accept and use gifts for the exercise of its functions.
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14 c. To prescribe appropriate rules and regulations for transaction of its business.
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16 d. To adopt rehabilitation and new construction design guidelines and criteria for
17 construction, alteration, reconstruction, moving, and demolition of designated
18 landmarks, sites, structures, and districts which are consistent with the
19 Secretary of the Interior's Standards for the Treatment of Historic Properties.
20 Guidelines may include design characteristics intended to meet the needs of
21 particular types of sites, structures, and districts, and may identify categories of
22 changes that, because they are minimal in nature, do not affect historic,
23 archeological, or architectural significance, do not require review by the
24 Commission.
25
26 e. Consistent with the Town's charter, ordinances, resolutions, local public law,
27 policies and procedures governing the acquisition of easements, to accept or
28 otherwise acquire historic preservation easements on designated landmarks,
29 structures, or sites and, when deemed appropriate by the Commission, sites or
30 structures located in, or adjacent to, a designated district. The easements
31 acquired by the Commission may grant to the commission, the residents of the
32 historic district, and the general public the right to ensure than any site,
33 structure, or surrounding property on which the easement is applied is protected,
34 in perpetuity, from changes that would affect the historic, archeological,
35 architectural significance of the site, structure, or surrounding property, and
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37 f. To undertake any other action or activity necessary or appropriate to the
38 implementation of its powers and duties or the implementation of the purpose
39 of this article.

40 D. DESIGNATION

- 41 1. Easton Historic Zones
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- a. The Easton Historic Zones consist of two districts. The first district covers the area of the Third Haven Meeting House and is identified as the “Meeting House District”. The second district consists of that land which constitutes basically the original part of Easton as shown on the Historic Zoning map and identified as “Old Easton District” and immediate surrounding areas. In addition, the commission has compiled a list of public and private structures which it deems to be of historic and architectural significance and are considered Local Landmarks. These individual structures may be located in any portion of the Town and shall be considered to be subject to the provisions of this section. The list of structures designated to be of historical or architectural significance and the map entitled “Town of Easton Historic Districts Boundaries Map” shall be kept on file in the office of the Easton Town Planner.

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In addition, there are scattered individual properties and structures deemed to be of historical or architectural significance which are subject to the provisions of the Historic District overlay zone. A list of Local Landmarks located outside of the two (2) Historic Districts includes:

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1. Richardson Cemetery Map-104, Parcel-605
 2. Mt. Pleasant – 30 Mt. Pleasant Ave.
 3. St. Aubins – 105 Willis Ave.
 4. Langsdale Houses - 216/218 Bay St.
 5. Carroll’s Addition – 702 South St.
 6. Oak Hill House – 317 N. Washington St.
 7. Londonderry Manor House – Map 34, Parcel 121

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2. Designation Procedures. The Historic District Commission may, after making full and proper study, recommend any area within the limits of the Town for designation as a landmark, site, structure, or district of historic, archeological, or architectural significance. The Commission may also recommend boundaries for such landmarks, sites, structures or districts. The recommendations shall be submitted to the Mayor and Town Council for approval or disapproval. Additionally, any parcel, upon consideration of annexation, shall be subject to a historical significance assessment completed by a qualified professional. If structures or other appurtenances of historical significance are found, the Historic District Commission will review such findings and make a recommendation to the Town Council either in support or in opposition of declaring the site or structure a Local Landmark. Any site or structure already included on the National Register of Historic Places, the Maryland Historic Trust Historic Sites Survey or designated a landmark by

1 Talbot County shall automatically be presented to the Town Council for
2 consideration of becoming a Local Landmark.
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4 E. APPLICATION FOR CERTIFICATE OF APPROPRIATENESS AND
5 COMMISSION REVIEW
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7 1. Application for Certificate of Appropriateness.
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9 a. Before the construction, alteration, reconstruction, moving, or
10 demolition is undertaken of a designated landmark, site, or structure, or
11 site or structure within designated district, an application shall be
12 submitted to obtain a Certificate of Appropriateness from the
13 Commission if:
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- 15 i. The Commission has jurisdiction over the site or structure; and
16 ii. Any exterior change that is not routine maintenance.
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18 2. Jurisdiction of the Commission
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20 a. The Commission has jurisdiction over every site or structure located
21 within the district, if any portion of which is visible or intended to be
22 visible from a public way.
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24 b. A proposed change to a site or structure need not be visible or intended
25 to be visible from a public right of way in order to be subject to review
26 by the Commission.
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28 c. The Commission has jurisdiction over exterior features of a structure
29 and shall not consider any interior arrangement. Exterior features
30 include, but are not limited to:
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- 32 i. Any sign applied directly to a window; and
33 ii. Any window sign that is placed within a window or otherwise
34 intended to be viewed from the exterior.
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36 d. All Work in the Town Right of Way, Town-owned Parking Lots, and
37 Town-owned Parks fall under the jurisdiction of the Town Engineer.
38 The Town Engineer or designated Staff will review and approve all
39 work within the Right of Way in accordance with the Historic District
40 Guidelines. The Town Engineer or Staff may decide to bring items to
41 the Commission prior to the Town Engineer's approval. Work in the
42 Right of Way includes, but is not limited to:

- a) Street furniture.
- b) Signage, traffic control equipment, parking meters, street lights.
- c) Entrances.
- d) Sidewalks and Roads.

3. Certificate of Appropriateness

- a. No Certificate of Appropriateness shall be granted until the Staff and/or Commission has acted thereon as hereinafter provided.
 - i. A Certificate of Appropriateness shall lapse upon the expiration of the corresponding Building Permit.
 - ii. For applications that require a building permit but for which none is issued, this Certificate of Appropriateness shall lapse six (6) months after its issuance.
 - iii. In the event a Building Permit is not required, the Certificate of Appropriateness shall lapse six (6) months from its issuance if substantial work is not underway. For good cause shown, this period may be extended by the Commission.

4. Application Review

- a. Every application for a Certificate of Appropriateness shall be referred to and considered by the Commission and/or Staff and accepted or rejected by the Commission and/or Staff.
- b. An application for a Certificate of Appropriateness which is identical to a rejected application may not be resubmitted within a period of one (1) year after the rejection.
- c. Application types that are to be reviewed by The Commission
 - i. Modifications to sites and structures which fall under the jurisdiction of the Historic District Commission as expressed in Subsection E(2) of this Article – including but not limited to
 - a) New Construction
 - b) Change in Material

1 c) Removal of trees that exceed 10” diameter at breast height
2 when removal of the tree is requested for reasons other than the
3 health of the tree. Application must be accompanied by a letter
4 from a Maryland Licensed Tree Expert evaluating the condition
5 of the tree.
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8 d. Certain Application types may be reviewed by the Planning and Zoning
9 Staff (Staff). Staff shall provide the Commission a copy of all staff
10 approvals. Staff approvals must be consistent with the Historic District
11 Guidelines. At any time, Staff may choose to take an application to the
12 Commission for review.
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14 i. All applications will be initially reviewed by Staff for adherence
15 with the Guidelines. Staff may issue an Administrative Approval
16 if the staff finds the application complete and that it meets the
17 requirements in the Guidelines.
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19 ii. All administrative approvals will be listed on the next open
20 agenda for a Historic District Commission meeting. At that time,
21 any person with standing can request that the matter be reviewed by
22 the full Commission.
23

24 e. In reviewing applications, the Commission and Staff shall give
25 consideration to the historic, archeological, or architectural significance
26 of the landmark, site, or structure and its relationship to the historic,
27 archeological, or architectural significance of the surrounding area; the
28 relationship of the exterior architectural features of a landmark or
29 structure to the remainder of the landmark or structure and to the
30 surrounding area; the general compatibility of proposed exterior design,
31 scale, proportion, arrangement, texture, and materials to the landmark,
32 site, or structure and to the surrounding area; and any other factors
33 including aesthetic factors which the Commission deems to be pertinent.
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35 f. The Commission shall not disapprove an application except with respect
36 to the several factors specified in subsection (e) above. Staff will not
37 disapprove an application, but instead will work with an applicant to
38 bring the application into compliance with the Historic District
39 Guidelines. If this cannot be accomplished, the application will be
40 brought to the Commission for review.
41

42 g. The Commission and Staff shall be strict in its judgment of plans for
43 sites or structures determined by research to be of historic,

1 archeological, or architectural significance (i.e., identified as a
2 “contributing structure”).
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4 h. The Commission and Staff shall be lenient in its judgment of plans for
5 sites or structures of little historic, archeological, or architectural
6 significance, or of plans involving new construction, unless in the
7 Commission’s judgment such plans would seriously impair the historic,
8 archeological, or architectural significance of surrounding sites or
9 structures.
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11 i. The Commission is not required to limit construction, reconstruction, or
12 alteration to the architectural style of any one (1) period.
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14 i. If an application is submitted for construction, reconstruction, or
15 alteration affecting a site or the exterior of a structure or for the
16 moving or demolition of a structure, the preservation of which the
17 Commission considers to be of unusual importance to the Town
18 of Easton or of unusual importance to the State or the nation, the
19 Commission shall attempt to formulate an economically feasible
20 plan with the owner(s) of the site or structure for the preservation
21 of the site or structure. Unless the Commission is satisfied that the
22 proposed construction, alteration, or reconstruction will not
23 materially impair the historic, archeological, or architectural
24 significance of the site or structure, the Commission shall reject
25 the application, filing a copy of its rejection with the Zoning
26 Inspector.
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28 ii. If an application is submitted for construction, reconstruction, or
29 alteration, or for the moving or demolition of a site or structure at
30 that the Commission considers to be of unusual importance and no
31 economically feasible plan can be formulated, the Commission
32 shall have ninety (90) days, from the time it concludes that no
33 economically feasible plan can be formulated, to negotiate with
34 the owner and other parties in an effort to find a means of
35 preserving the site or structure.
36

37 In the case of a site or structure considered to be valuable for
38 its historic, archeological, or architectural significance, the
39 Commission may approve the proposed construction,
40 reconstruction, alteration, moving, or demolition despite the
41 provisions of Section 28 – 701 E(2)(d) of this Article if:
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43 a) The site or structure is a deterrent to a major

1 improvement program which will be of substantial
2 benefit to the Town;

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4 b) Retention of the site or structure would cause undue
5 financial hardship to the owner; or

6
7 c) Retention of the site or structure would not be in the best
8 interest of a majority of persons in the Town.
9

10 5. Commission Decision.

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12 The Commission shall file with the Building Inspection Department, a
13 Certificate of Appropriateness certifying its approval, modification, or rejection
14 of each application and plans submitted to it for review. Work shall not be
15 commenced on any project until such a certificate of approval has been filed,
16 and the Building Inspection Department shall not issue a building permit for
17 such change or construction unless it has received such a Certificate of
18 Appropriateness. The failure of the Commission to act upon a completed
19 application within forty-five (45) days from the date the completed application
20 was filed shall be deemed to constitute automatic approval of the proposed
21 changes unless an extension of this forty-five (45) day period is agreed upon
22 mutually by the applicant and the Commission or the application has been
23 withdrawn.
24

25 6. Routine Maintenance.

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27 Nothing in this Article shall be taken or construed to prevent maintenance that
28 does not alter the exterior fabric or features of a designated landmark, site, or
29 structure, customary farming operations, or landscaping which will have no
30 material effect on the historic, archeological, or architectural significance of a
31 designated landmark, site, structure, or district. Items of routine maintenance as
32 determined by the Town of Easton Planning and Zoning Staff in accordance
33 with the Historic District Guidelines do not require a Certificate of
34 Appropriateness. In the situation where a Building Inspection Department
35 permit is required for routine maintenance, Staff shall write a letter to the file
36 to be attached to the Building Permit Application.
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- 38 i. The planting or removal of trees not requiring Historic District
39 Commission approval per Section E 4 c i c above, shrubs, flowers,
40 and/or grass in a natural environmental setting on an existing improved
41 lot shall be considered routine maintenance. This does not include the
42 proposed alteration of formal gardens or landscaped areas or proposed
43 modification of the property in such a way that changes the natural lot

1 formation (e.g. changing the grade to such a degree that a retaining wall
2 is required). Changes of this magnitude are not considered routine
3 maintenance and shall require the approval of the Historic District
4 Commission.
5

- 6 ii. The color of painted surfaces shall not be regulated by the Historic
7 District Commission and shall be considered routine maintenance,
8 except for requests to paint previously unpainted brick or concrete
9 block, which shall require the Commission's approval.
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12 F. DEMOLITION BY NEGLECT 13

- 14 1. In the event of demolition by neglect, the Commission may request the Building
15 Inspection Department to notify, in writing, the property owner of record, any
16 person having a right, title, or interest therein, and the occupant or other person
17 responsible for the maintenance of the property, of the deterioration. The notice
18 shall specify the minimum items of repair or maintenance necessary to correct
19 the deterioration or prevent further deterioration.
20
21 2. Prior to the issuance of a written notice, the Commission may request the
22 Building Inspection Department to establish a record of demolition by neglect.
23 Such a record may include dated materials such as photographs and written
24 reports of the condition of the property so as to record or measure the
25 deterioration.
26
27 3. The notice shall provide that corrective action shall commence within thirty
28 (30) days of the receipt of said notice and be completed within a reasonable
29 time thereafter. The notice shall state that the owner of record of the property,
30 or any person of record with any right, title, or interest therein, may, within ten
31 (10) days after the receipt of the notice, request a hearing on the necessity of
32 the items and conditions contained in the notice. In the event a public hearing
33 is requested, it shall be held by the Commission upon thirty (30) days written
34 notice being mailed to all persons of record with any right, title, or interest in
35 the property and to all citizens and organizations which the Commission
36 determines may have an interest in the proceedings.
37
38 4. If, after the public hearing, the Commission determines that the corrective
39 actions remain necessary, the Commission may request that the Zoning
40 Inspector take corrective action to comply with the Final Notice within thirty
41 (30) days of receipt of the Final Notice
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- 1 5. Upon failure, neglect, or refusal of the property owner or other responsible
2 person, duly notified, to take the corrective action specified in the Final Notice
3 within the time required, the Commission may request that the Zoning Inspector
4 institute any of the remedies and penalties provided by law for such violations.

5 G. ORDER TO RESTORE
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7 In the event that any type of intervention on a property or structure in the Historic
8 District has been conducted without a Certificate of Appropriateness or in violation of
9 a Certificate of Appropriateness, or, in cases of Demolition by Neglect, the Town may
10 issue the owner an Order to Restore. This order will require the property owner to
11 restore the property to the condition that existed prior to the intervention using material-
12 in-kind and design-in-kind, subject to all applicable building and life safety codes. The
13 Historic District Commission shall review the intended mitigation of any such
14 intervention for appropriateness, and establish a reasonable time limit for the
15 mitigation.
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17 H. ROLE OF MARYLAND HISTORICAL TRUST
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19 The Commission may designate the Maryland Historical Trust to make an analysis of
20 and report recommending the preservation of sites, structures, or districts of historic,
21 archeological, architectural, or cultural significance within the Town. The report may
22 include proposed boundaries of sites, structures, or districts, as well as
23 recommendations for the identification and designation of particular sites, structures,
24 or districts to be preserved.
25

26 I. APPEALS
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28 In the event than any party is aggrieved by a decision of the Commission, the party
29 has the right of appeal to the Board of Zoning Appeals in accordance with Article
30 XIII of the Zoning Code. Appeal requests must be filed within thirty (30) days from
31 the date of the Commission decision. Further appeal may be taken to the Circuit
32 Court for Talbot County.

33 J. VIOLATIONS
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35 Any willful violation of the provisions of this article shall be deemed a Municipal
36 infraction as provided in Section 1-8 (b) of the Town Code. Each and every day that
37 the violation continues shall be deemed a separate offense.
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1 K. SEVERABILITY
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4 If any provision of this article or application thereof to any person or circumstances is
5 held invalid for any reason, such invalidity shall not affect the other provisions or any
6 other application of this article which can be given effect without the invalid provision
7 or application, and to this end, all the provisions of this article are hereby declared to
8 be severable.

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